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09/858,351	05/15/2001	Juergen Hoefig	P01,0136	1790

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
SING, SIMON P	

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/858,351	HOEFIG, JUERGEN	
	Examiner	Art Unit	
	Simon Sing	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 9 is objected to because of the following informalities: The limitation "during setup" in the line 13 (last line) lacks antecedent basis, because there are two setups recited in line 6 and line 10. Appropriate correction is required.

2. Claim 14 is objected to because of the following informalities: The phrase: "the central control communication facility" should be changed to: "the central communication facility" in accordance with: " a central communication facility" in line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Martinez US 5,784,438.

3.1 Regarding claim 1, Martinez discloses an automatic callback method. Martinez teaches:

entering a telephone number on a local communication facility (telephone 2 and LECI Switch 6) (figure 1; column 3, lines 34-37);

initializing a setup of a connection to telephone 4 at a central communication facility (platform 14, LEC 8 and telephone 4) (figure 1; column 3, lines 37-45);

activating, by a central control unit (within platform 14) of said central communication facility, a callback module (within platform 14) of said central communication facility (column 3, lines 46-65);

allowing a user to enter an activating code *67 (predetermined key combination) to activate the callback module (column 3, lines 45-60);

terminating said setup of said connection without making said connection between telephone 2 and telephone 4 (column 4, lines 27-30); and

automatically initializing a setup, by said central control unit, of a new connection between telephone 2 and telephone 4 by accessing said callback module (column 4, lines 38-62).

3.2 Regarding claim 2, Martinez teaches identifying a subscriber by a calling number before activating said callback module (column 3, lines 37-40).

3.3 Regarding claim 4, Martinez teaches that a caller enters a callback code *67 before hung-up (column 3, lines 46-58).

3.4 Regarding claim 5, Martinez teaches automatically transmitting the telephone numbers of calling party and called party to the central communication facility (column 3, lines 37-40).

3.5 Regarding claim 6, Martinez teaches setting up a new connection using a calling party's number (column 4, lines 38-41) and the callback code *67 (column 3, lines 46-51).

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Alleman US 5,883,964.

4.1 Regarding claim 1, Alleman discloses an automatic callback method in figures 1-5. Alleman teaches:

entering a telephone number on a local communication facility (telephone 10) (figure 1; column 7, lines 6-16);

initializing a setup of a connection to a called party at a central communication facility (LEC 15 and service center 12) (figure 1; column 7, lines 25-53);

activating, by a central control unit (call response unit CRU 20) of said central communication facility, a callback module (part of CRU 20) (column 7, lines 31-45);

allowing a user to enter a PIN (predetermined key combination) to activate the callback module (column 7, lines 6-16);

terminating said setup of said connection without making said connection between telephone 10 and the called party (column 7, lines 31-36); and

automatically initializing a setup, by said central control unit, of a new connection between telephone 10 and the called party accessing said callback module (column 7, lines 37-63).

4.2 Regarding claim 2, Alleman teaches identify a subscriber before using the activating a callback feature (column 7, lines 6-16, 25-30).

4.3 Regarding claim 3, Alleman teaches identify the subscriber by a codeword (PIN) and the internal telephone number of the service center 12) entered by the subscriber (column 6, lines 4-23; column 7, lines 6-16).

5. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Srinivasan US 5,185,782.

5.1 Regarding claim 1, Srinivasan discloses an automatic callback method in figures 3-6. Srinivasan teaches:

entering a telephone number on a local communication facility (telephone 112 by caller 114) (figure 1; column 4, lines 1-9, 23-34);

initializing a setup of a connection to an agent at telephone 103 at a central communication facility (PBX 101) (figure 1; column 4, lines 35-39);

activating, by a central control unit (CCD software 200) of said central communication facility, a callback module (part of ACD software 200) (figure 2; column 4, lines 43-67);

allowing a user to enter DTMF signals (predetermined key combination) to activate the callback module (column 4, lines 65-68; column 5, lines 1-24, 40-62);

terminating said setup of said connection without making said connection to an agent (column 5, lines 60-62); and

automatically initializing a setup, by said central control unit, of a new connection between an agent and telephone 112 by accessing said callback module (column 7, lines 27-41).

5.2 Regarding claim 8, Srinivasan teaches a timer for placing an outgoing call (column 6, lines 40-64).

6. Claims 1, 2, 4, 5, 7, 9-11 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Livanos US 5,311,574.

6.1 Regarding claim 1, Livanos discloses an automatic callback method for an automatic call distribution system. Livanos teaches:

entering a telephone number on a local communication facility (telephone 117 and Local Switching System 110) (figure 1; column 4, lines 18-20);

initializing a setup of a connection between said local communication facility and an agent at a central communication facility (Automatic call Distribution (ACD) 140) (column 4, lines 20-21);

activating, by a central control unit 142 of said central communication facility if all agents are busy and a queue (holding) time is above a predetermined threshold, a callback module of said central communication facility (column 4, lines 21-30);

allowing a user (caller) to determine whether or not he/she accepts a callback by entering key combinations at an ISDN telephone (it is inherent that a prompt displayed on an ISDN telephone is answered by pressing keys on a keypad) (column 4, lines 25-28);

terminating said setup of said connection without making said connection (putting caller's telephone number in a callback queue) (column 4, lines 27-30); and

automatically initializing a setup, by said central control unit 142, of a new connection between said central communication facility and said local communication facility by accessing said callback module (column 4, lines 30-34).

6.2 Regarding claim 2, Livanos teaches identifies a subscriber (calling party' caller ID) before activating said callback module (column 4, lines 22-24).

6.3 Regarding claim 4, Livanos teaches prompting a calling party with a text message whether the calling party wants to be called back (column 4, lines 24-27). It is inherent that the calling party enters an affirmative or a negative answer before terminating.

6.4 Regarding claim 5, Livanos teaches transmitting caller ID (CLI) and the answer to a prompt, to the central communication facility (column 4, lines 22-24).

6.5 Regarding claim 7, Livanos teaches using a caller ID stored in a queue to setup said new connection (column 4, lines 30-34).

6.6 Regarding claim 9, Livanos discloses an Automatic Call Distribution (ACS) system 140 in figure 1, comprising:

access units (ACD switches or line interfaces) for connecting communication terminals (telephone 115-117, 135-137) and communication network 120 to said ACD system 140 (figure 1);

a central control unit 142 for controlling functions of said ACD system, comprising a callback module (not shown) and a database (agents' availability) (column 4, lines 30-34);

said central control unit 142 being designed such that it terminates a setup of a connection to an agent with out making the connection, the setup being initialized by an entry of a specific telephone number on a telephone 117 (remote communication terminal), the connection being between said remote communication terminal and said ACD system 140 by accessing said callback module and said database (column 4, lines 21-30); and the central control unit 142 automatically initializing a setup of a new connection (calling back a caller) by said ACD system when an agent is available (column 4, lines 30-34), said central control unit allows a user (caller) to determine whether or not he/she accepts a callback by entering key combinations at an ISDN telephone during setup (it is inherent that a prompt message displayed on an ISDN telephone is answered by pressing keys on a keypad) (column 4, lines 25-28).

6.7 Regarding claims 10 and 11, Livanos teaches that the telephone 117 is an ISDN phone (column 3, lines 26-28) and the connection is through an ISDN useful data channel (column 8, lines 37-49).

6.8 Regarding claim 14, Livanos discloses an automatic callback method for an automatic call distribution system. Livanos teaches:

entering a telephone number, which only has a limited purpose, i.e. to identify a telephone terminal or a calling/called party, and which is also an automatic callback telephone number because it is able to automatically callback a caller, on a local communication facility (telephone 117 and Local Switching System 110) (figure 1; column 4, lines 18-20);

communicating the telephone number to a central communication facility (Automatic call Distribution (ACD) 140) via a first (data) connection (column 4, lines 22-24; column 8, lines 37-49);

initializing, after entering the specific telephone number, a setup of a second (voice) connection between said local communication facility and said central communication facility (column 4, lines 20-21);

activating, by a central control unit of said central communication facility if queue (holding) time is above a predetermined threshold, a callback module of said central communication facility (column 4, lines 21-30);

terminating said setup of said second (voice) connection without making said second (voice) connection (column 4, lines 27-30); and

automatically initializing a setup, by said central control unit, of a third connection between said central communication facility and said local communication facility by accessing said callback module (column 4, lines 30-34).

6.9 Regarding claim 15, Livanos discloses that the telephone 117 is an ISDN phone and teaches:

the first set connection is over a signaling channel, or D-channel (column 3, lines 26-28; column 8, lines 37-49); and

the second connection is over a useful data channel, or B-channel for voice/data such that a caller at telephone 117 may communicate with an agent at telephone 150) (column 4, lines 20-21).

6.10 Regarding claim 16, Livanos teaches that the setup of the second channel is initialized by the local communication facility (telephone 117 initiates a call) (column 4, lines 18-20).

6.11 Regarding claim 17, Livanos teaches an ISDN system, and it is inherent that the third connection is through a useful data channel, either a D-channel or a B-channel.

7. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Yamasaki US 6,307,928.

Yamasaki discloses a method for automatic callback (figure 1; column 5, lines 21-43; column 6, lines 28-34; column 9, lines 43-67). Yamasaki teaches:

entering a telephone number (every telephone number has a limited purpose for identifying a telephone terminal or a calling/called party), with an automatic callback feature, on a local communication facility (figure 2, terminal 13 and ATM Exchange 11; column 13, lines 10-17, 44-47; column 14, lines 46-47);

communicating the telephone number to a central communication facility (ATM Exchange 12) via a first connection (column 13, lines 47-55);

initializing, after entering the specific telephone number, a setup of a second connection between said local communication facility and said central communication facility (column 13, lines 20-21);

activating, by a central control unit 20 of said central communication, a callback module 25 of said central communication facility (figure 3; column 17, lines 33-39);

terminating said setup of said second connection without making said second connection (column 17, lines 29-33); and

automatically initializing a setup, by said central control unit, of a third connection between said central communication facility and said local communication facility by accessing said callback module (column 17, lines 33-39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 12, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livanos US 5,311,574 in view of Mills US 5,815,505.

Livanos teaches an ISDN network, but fails to teach that ISDN uses time division multiplex.

However, Mills discloses a communications device in figure 2. Mills teaches that ISDN uses time division multiplex (column 6, lines 30-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Livanos' reference with Mills teaching so that ISDN comprises time division multiplex, because such a modification would have enable Livanos' system to transmit multiple data over one medium channel.

Response to Arguments

9. Applicant's arguments filed on 08/24/2004 have been fully considered but they are not persuasive.

The Applicant argues that Martinez teaches activating a callback feature only when a called party is not available. However, claim 1 recites: "allowing a user to determine whether the central control unit will activate a call back module by allowing the user to enter a predetermined key combination during set up". Claim 1 never states that the callback module cannot be activate when a telephone rings but no answer. Since Martinez teaches allowing a user to enter a code (*67, or predetermined key combination) to activate the callback feature, after rings-no-answer, Martinez teaches all limitation of claim 1.

The applicant also argues that in Livanos, termination is after a connection is made. Livanos teaches receiving an incoming call for setting up a (voice) connection between a caller and an agent, determining a holding (queue) time when a call comes in, and if the time exceed a limit, prompting the caller whether he/she accepts a callback, then terminating the setup connection. Livanos teaches putting the caller's telephone number in a callback queue, so that the caller may hang up and wait for callback (note, the caller is not put in a holding queue). Besides, as discloses in the current invention (specification, drawings and claims 1, 9 and 14), there is clearly a connection being made before said termination, such connection is required for a user (subscriber) to enter necessary information (identification, activation code, etc.) as recited in claims 1 and 9: "allowing a user to determine whether the central control unit will activate a call back module by allowing the user to enter a predetermined key combination during set up". Therefore, Livanos teaches the claimed limitations.

Applicant further argues that Yamasaki fails to teach that a callback is to be carried out by a special key combination. However, such limitation is not recited in claim 14.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) US 5,943,397 (Gabin et al.) discloses a network assisted callback system.

b) US 5,661,790 (HSU) discloses a callback service.

c) US 5,311,583 (Friedes et al.) discloses an calling system with callback features.

d) US 6,456,842 (Subramanian et al.) discloses a system and method for subscriber-controlled callback in a cellular network.

11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

S.S.

02/04/2005

2/5/15
ROLAND G. FOSTER
PRIMARY PATENT EXAMINER